

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER REQUESTING
CLARIFICATION RE: IBM
SUBSIDIARIES**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

Currently pending before the Court is plaintiff Ralph Miller's Motion to Compel Further Document Production and Interrogatory Responses. Relevant here is Miller's request for discovery from defendant International Business Machines' ("IBM") subsidiaries. The Court held a hearing on this matter on April 13, 2006. However, before issuing its ruling on Miller's motion, the Court requests clarification as to IBM's subsidiaries. Accordingly, the Court hereby ORDERS IBM's counsel to file a declaration attesting as to the following:

- 1) Whether IBM has the legal right to obtain relevant documents and information from its subsidiaries; and
- 2) Whether its subsidiaries have documents and information relevant to this lawsuit.

In making its declaration, IBM shall be guided by the principals established in Federal Rule of Civil Procedure 34 and *International Union of Petroleum and Industrial Workers, AFL-CIO*, 870

1 F.2d 1450, 1452 (9th Cir. 1989) ("Control is defined as the legal right to obtain documents upon
2 demand."). IBM shall not make any legal arguments in its declaration, which shall be filed by April
3 17, 2006.

4 **IT IS SO ORDERED.**

5
6 Dated: April 13, 2006



7 MARIA-ELENA JAMES
United States Magistrate Judge